

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

THOMAS ERIC NELSON, JR.,

Plaintiff,

v.

JOSEPH BEAHM, JASON  
SONNTAG, LACEE SMELCER, KYLE  
DEMERS, JESSE JONES, and WAYNE  
BAUER,

Defendants.

Case No. 18-CV-632-JPS

**ORDER**

Plaintiff proceeds on four claims: 1) unlawful search, 2) excessive force, 3) failure to protect, and 4) unconstitutional harassment. (Docket #22 at 4–7; Docket #36 at 1–2). On April 4, 2019, Plaintiff filed a motion for summary judgment as to the first three claims. (Docket #39). On April 19, 2019, Defendants filed their own summary judgment motion as to all of the claims. (Docket #45). They assert that Plaintiff failed to exhaust his administrative remedies as to the first three claims. (Docket #46 at 7–12). This is a mandatory precondition to pursuing those claims in federal court. 42 U.S.C. § 1997e(a); *Woodford v. Ngo*, 548 U.S. 81, 85 (2006).

On April 30, 2019, Defendants filed a motion to stay briefing on Plaintiff’s motion, in light of their assertion that he failed to exhaust his administrative remedies for the claims at issue. (Docket #51). The Court agrees that, if Defendants’ position is correct, further briefing on Plaintiff’s motion would be wasteful. It will, therefore, grant Defendants’ motion and stay briefing on Plaintiff’s motion for summary judgment. The parties will

continue to brief Defendants' motion in accordance with the federal and local rules of procedure.

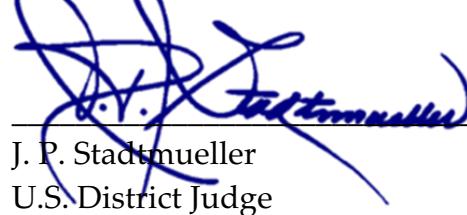
Accordingly,

**IT IS ORDERED** that Defendants' motion to stay (Docket #51) be and the same is hereby **GRANTED**; and

**IT IS FURTHER ORDERED** that all briefing on Plaintiff's motion for summary judgment (Docket #39) be and the same is hereby **STAYED** until further order of the Court.

Dated at Milwaukee, Wisconsin, this 1st day of May, 2019.

BY THE COURT:



J. P. Stadtmueller  
U.S. District Judge